

1 Ethan Preston (*pro hac vice*)  
2 1658 North Milwaukee, #253  
3 Chicago, IL 60647  
4 (773) 817-0346  
5 ep@eplaw.us  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re TD AMERITRADE Accountholder  
Litigation

Master File No. C 07 2852 VRW

Judge Vaughn R. Walker

**NOTICE OF MOTION; MOTION TO  
WITHDRAW AS ATTORNEY;  
NOTICE OF LODGING PROPOSED  
ORDER GRANTING MOTION TO  
WITHDRAW; NOTICE OF CHANGE  
OF ADDRESS**

**NOTICE OF MOTION**

NOTICE IS HEREBY GIVEN that Movant Ethan Preston will move the Court, pursuant to Local Rule 11-5, to withdraw as attorney in the above-captioned case on April 30, 2008, at 2:30 p.m., or as soon thereafter as counsel may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102, in Courtroom 6, 17th Floor, before the Honorable Vaughn Walker.

**MOTION TO WITHDRAW AS ATTORNEY**

Pursuant to Local Rule 11-5, Ethan Preston (“Movant”) hereby notifies the parties and the Court of his intent to withdraw as attorney of record for Plaintiff Joel Griffith, and moves the Court to permit this withdrawal. Movant states the following grounds for this notice and motion:

1. Movant appeared *pro hac vice* in this matter by the Court’s order dated October 3, 2007.

2. Movant represented Plaintiffs Joel Griffiths and Gadgetwiz.com, Inc. as part of his employment at KamberEdelson, LLC. Movant is no longer an employee of KamberEdelson, LLC. KamberEdelson, LLC, continues to represent Plaintiff Joel Griffiths. Scott A. Kamber and Alan Himmelfarb have entered appearances in this action and are actively involved in this matter. KamberEdelson, LLC’s existing clients continue to receive notice of these proceedings (including this Motion) through service on KamberEdelson, LLC.

3. Plaintiff Matthew Elvey is represented by separate respective counsel, and receive notice of these proceedings (including this Motion) through service on those attorneys.

4. Plaintiffs filed a motion for preliminary approval of the settlement on May 30, 2008. The Court denied that motion by order dated June 13, 2008. The parties held a hearing on preliminary approval of the settlement on October 7, 2008. The motion for preliminary approval of the class settlement has been pending since the October 7, 2008 hearing.

5. Movant’s withdrawal will not cause any prejudice or delay in this case. There is no pending deadline for any party in this case. All parties have counsel active in their representation, who will not require any additional time to review this case.

1           6.           Given the insubstantial nature of this Motion and the burden for all parties of  
2 traveling to the Court and attending a hearing on this Motion, Movant respectfully requests  
3 that the Court waive oral argument on this Motion.  
4

5           **THEREFORE**, Movant Ethan Preston respectfully requests the Court waive oral  
6 argument on this motion, and moves the Court for leave to withdraw as an attorney in the  
7 above-captioned matter, and for an order stating that Movant has so withdrawn as an attorney  
8 in the above-captioned matter.

9                           **NOTICE OF CHANGE OF ADDRESS**

10           PLEASE TAKE NOTE THAT Ethan Preston has changed his address and other  
11 contact information. The new contact information is below:

12                           1658 North Milwaukee, #253  
13                           Chicago, IL 60647  
                              (773) 817-0346  
                              ep@eplaw.us

14 Please use the new address in all correspondence and other documents.

15                           **NOTICE OF LODGING PROPOSED ORDER**

16           Pursuant to General Order No. 45(VIII), Movant lodged with the Court the order below  
17 by emailing a Microsoft Word version of the order below to "VRWpo@cand.uscourts.gov."  
18 See U.S. District Court for the Northern District of California, How do I...? / Where do I...?, at  
19 [https://ecf.cand.uscourts.gov/cand/faq/how\\_do\\_i/how\\_do\\_i.htm](https://ecf.cand.uscourts.gov/cand/faq/how_do_i/how_do_i.htm) (last updated Jun. 6, 2007).

20 Dated: March 17, 2009

21   By: s/Ethan Preston

22   Ethan Preston  
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24   Chicago, IL 60647  
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12 **[PROPOSED] ORDER GRANTING**  
13 **MOTION TO WITHDRAW**  
14

15 Ethan Preston's Motion to Withdraw came on for hearing before this Court, and all  
16 parties being represented by counsel. The Court having reviewed the Motion, and after  
17 consideration of all papers filed by the parties, and all other matters presented to the Court, the  
18 Court finds that it should grant the Motion. IT IS HEREBY ORDERED THAT Movant Ethan  
19 Preston's request for waiver of oral argument is GRANTED, Movant's Motion for Leave to  
20 Withdraw is GRANTED, and Movant is terminated as counsel in this proceeding by this  
21 Order.  
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23 Dated:

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Hon. Vaughn Walker  
United States District Judge  
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